

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Theodore Martin, Jr.,)	
)	
Plaintiff,)	C/A No.: 7:14-cv-00095-GRA
)	
v.)	ORDER
)	(Written Opinion)
A. Celli International, Inc.,)	
)	
Defendant.)	
)	

This matter comes before this Court on Defendant A. Celli International, Inc.'s ("Defendant's") Motion for Stay of Conference and Scheduling Order and Mediation Order, filed on January 23, 2014. ECF No. 10. For the reasons stated herein, this Court grants Defendant's Motion.

This case was removed from the Spartanburg County Court of Common Pleas on January 10, 2014. ECF No. 1. This Court issued a Conference and Scheduling Order on January 13, 2014. ECF No. 6. Defendant filed a Motion to Dismiss on January 17, 2014. ECF No. 8. Defendant now moves to stay this Court's Conference and Scheduling Order, ECF No. 6, and any Conference and Scheduling Order or Mediation Order that may be filed in this case, until this Court resolves Defendant's pending Motion to Dismiss, ECF No. 8.

Local Civil Rule 16.00(c), D.S.C. provides that "[t]he Court may stay entry of the scheduling order(s) and all Federal and Local Civil Rule disclosure and conference requirements pending resolution of a motion . . . to dismiss." The Rule further states that "[a]ny party desiring a stay on this basis shall file a separate motion to stay which shall attach a proposed order." Local Civil Rule 16.00(c), D.S.C.

Finally, the Rule provides that “[n]o consultation or separate memorandum is required.” *Id.*

In accordance with these provisions, Defendant has filed a separate motion requesting a stay pending resolution of Defendant’s Motion to Dismiss, but has failed to include a proposed order. Defendant’s Motion states that counsel for Defendant consulted with Plaintiff prior to the filing of this Motion, and that “counsel for Plaintiff consents to the request made in this motion.” ECF No. 10. Therefore, based on Defendant’s Motion and Plaintiff’s consent to the requested stay, this Court believes that Defendant’s Motion for Stay of Conference and Scheduling Order and Mediation Order should be granted.

IT IS THEREFORE ORDERED that Defendant’s Motion for Stay of Conference and Scheduling Order and Mediation Order is GRANTED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

January 27, 2014
Anderson, South Carolina